

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
U.S. Department of Health and Human Services)	WC Docket No. 07-271
Substance Abuse and Mental Health Services)	
Administration Petition for Permanent)	
Reassignment of Three Toll Free Suicide)	
Prevention Hotline Numbers)	
)	
Toll Free Service Access Codes)	CC Docket No. 95-155

ORDER

Adopted: February 10, 2011

Released: February 10, 2011

Comments Due: February 28, 2011

Reply Comments Due: March 7, 2011

By the Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) grants a two-week extension of the comment deadline to update the record in the *1-800-Suicide* matter,¹ in response to the Kristin Brooks Hope Center's (KBHC's) Motion to Expand the Scope of the Remand Proceeding and Reset the Schedule (KBHC Motion).² This extension will ensure that the parties have sufficient time to respond to the Commission's request for information regarding facts specific to the U.S. Court of Appeals for the District of Columbia Circuit's decision in this matter.³ In addition, we also extend for two weeks the temporary reassignment of the three toll free numbers to SAMHSA until June 15, 2011.⁴

2. On January 14, 2011, we initiated remand proceedings to respond to a recent decision of the U.S. Court of Appeals for the District of Columbia Circuit regarding three toll free numbers operated as suicide prevention hotlines: 1-800-SUICIDE (1-800-784-2433); 1-888-SUICIDE (1-888-784-2433); and 1-877-SUICIDA (1-877-784-2432).⁵ In that decision, the Court reviewed the Commission's October 14,

¹ *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration's Petition for the Permanent Reassignment of Three Toll-Free Suicide Prevention Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Order and Request for Comment, DA 11-80 (rel. Jan. 14, 2011) (*Order and Request for Comment*).

² KBHC Motion to Expand the Scope of the Remand Proceeding and Reset the Schedule, WC Docket No. 07-271, CC Docket No. 95-155 (filed Jan. 28, 2011) (requesting expansion of the scope of inquiry and a two-week extension of the comment filing deadline) (KBHC Motion).

³ *Kristin Brooks Hope Center v. FCC*, 626 F.3d 586 (D.C. Cir. 2010).

⁴ See *Order and Request for Comment* at para. 1 (the three toll free numbers are 1-800-784-2433 (1-800-SUICIDE), 1-877-784-2432 (1-877-SUICIDA), and 1-888-784-2433 (1-888-SUICIDE)).

⁵ See *Order and Request for Comment*; see also *Kristin Brooks Hope Center v. FCC*, 626 F.3d 586 (D.C. Cir. 2010).

2009 *Reassignment Order*⁶ in which, under unique circumstances involving public safety, the Commission permanently reassigned the three toll free numbers from (KBHC), a private, non-profit organization, to the Substance Abuse and Mental Health Services Administration (SAMHSA), a component of the United States Department of Health and Human Services (HHS). Finding that the Commission had inadequately explained its decision, the Court vacated the permanent reassignment of the numbers and remanded the *Reassignment Order* for further proceedings consistent with the Court's opinion. Therefore, we asked KBHC, SAMHSA, and other interested persons to update the record in this proceeding to assist the Commission in responding to the Court's remand.⁷

3. We find that good cause exists to extend the comment period for this proceeding by two weeks. This additional time will allow parties to collect and provide detailed information to assist the Commission in addressing the concerns raised by the Court. We will not formally expand the scope of our inquiry, as requested by KBHC. However, we encourage parties to file any information they consider relevant to our inquiry, either in response to our *Order and Request for Comment* or to filings made by other parties through the Commission's *ex parte* process.

4. Pursuant to sections 1.415 and 1.419 of the Commission's rules,⁸ parties may file comments in response to this Request for Comment no later than **February 28, 2011**, with the Secretary, FCC, 445 12th Street, SW, Washington, DC 20554. Reply comments may be filed with the Secretary, FCC, no later than **March 7, 2011**. All pleadings are to reference **WC Docket No. 07-271**.

5. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁹ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

6. Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

7. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving

⁶ *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration's Petition for the Permanent Reassignment of Three Toll-Free Suicide Prevention Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Memorandum Opinion and Order and Order on Review, 24 FCC Rcd 13022 (2009) (*Reassignment Order*).

⁷ *Order and Request for Comment* at paras. 5-6.

⁸ 47 C.F.R. §§ 1.415, 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

U.S. Postal Service mail). Parties are strongly encouraged to file comments electronically using the Commission's ECFS.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

8. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Michelle Sclater and Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Rooms 5-C266 and 5-C225, 445 12th Street, SW, Washington, DC 20554, or by e-mail to michelle.sclater@fcc.gov and heather.hendrickson@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

9. Documents in CC Docket No. 07-271 will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. S.W., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

10. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

11. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the *ex parte* rules.¹⁰ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.¹¹ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the rules.¹²

12. For further information, contact Michelle Sclater or Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, at michelle.sclater@fcc.gov or heather.hendrickson@fcc.gov.

13. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1, 4(i), 4(j), 225, and 251(e), of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 225, and 251(e), and sections 0.91, 0.141, 0.291, 0.361, and 1.3 of the Commission's rules, 47 C.F.R. §§

¹⁰ 47 C.F.R. § 1.1200 *et seq.*

¹¹ See 47 C.F.R. § 1.1206(b)(2).

¹² 47 C.F.R. § 1.1206(b).

0.91, 0.141, 0.291, 0.361, 1.3, that this Order IS ADOPTED, and that comments in this proceeding are now due on February 28, 2011, and replies are due on March 7, 2011.

14. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i) and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251(e), sections 1.3 and 52.111 of the Commission's rules, 47 C.F.R. §§ 1.3 and 52.111, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291,¹³ that the toll-free numbers 1-800-784-2433 (1-800-SUICIDE), 1-877-784-2432 (1-877-SUICIDA), and 1-888-784-2433 (1-888-SUICIDE) are temporarily assigned to the Responsible Organization chosen by the Substance Abuse and Mental Health Services Administration, a component of the United States Department of Health and Human Services, until June 15, 2011.

15. IT IS FURTHER ORDERED that the KBHC's Motion to Expand the Scope of the Remand Proceeding and Reset the Schedule, filed on January 28, 2011, IS GRANTED to the extent described herein, and otherwise IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
Chief, Wireline Competition Bureau

¹³ See 47 U.S.C. § 155(c).